

REMARKS

Upon receipt of the Appeal Brief, the Examiner decided to abandon all the rejections earlier made, and to advance a new theory of rejection, as follows:

2. *Claims 2, 7-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,278,781 in view of U.S. Patent 6,700,990 (claims 1-19), and further in view of Reeley et al (5,893,037), wherein the U.S. Patent No. 6,700,990 discloses the steps of steganographically encoding/decoding the image of an object (claims 1-19) and wherein the Reeley reference discloses the wireless phone including a camera for taking the image of an object (column 4 line 47 to column 6 line 10, fig. 5).*

The rejection fails to establish *prima facie* obviousness. Citing teachings from two disparate references – without more – does not meet the Office's burden. The Examiner is invited to review the elements of a *prima facie* case as detailed, e.g., in MPEP § 706.02(j).

Since the Examiner has failed to meet the Office's burden, applicants do not belabor this response by raising points concerning the art or claims that might otherwise be made.

If the rejection is renewed and made final, another notice of appeal and appeal brief will follow.

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Respectfully submitted,

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